

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
J. Michael Fitzpatrick, *et al.* :
 :
Conf. No.: 6931 : Group Art Unit: 3731
 :
Appln. No.: 10/526,754 : Examiner: Not yet assigned
 :
Filing Date: March 4, 2005 : Attorney Docket No.: 9823-26U1
 :
Title: Fiducial Marker Holder System for Surgery

**ASSERTION OF SMALL ENTITY STATUS
(37 C.F.R. § 1.27(c)(1))**

Applicants hereby state that applicants are a small entity and that status as a small entity is asserted for this application as a non-profit organization under 37 C.F.R. § 1.27(a)(3). This paper is being filed to provide written affirmation of this small entity status.

Respectfully submitted,

J. Michael Fitzpatrick, *et al.*

September 26, 2006
(Date)

By:

John D. Simmons
JOHN D. SIMMONS

Registration No. 52,225

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1268

Facsimile: 215-965-1210

E-Mail: jsimmons@akingump.com

JDS:cmb
7667487